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**From:** Kupchan, Simma [Kupchan.Simma@epa.gov]  
**Sent:** 9/5/2018 2:19:05 PM  
**To:** Fotouhi, David [Fotouhi.David@epa.gov]  
**CC:** Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Thank you very much for your quick response, David. This will be helpful to the Region.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
202-564-3105  
WJC North #7426Q

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**From:** Fotouhi, David  
**Sent:** Wednesday, September 05, 2018 9:28 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Hi, Simma. Yes, I agree with your characterization of the issue. Relatedly, I believe the RA indicated a preference for

## **Ex. 5 Deliberative Process (DP)**

**David Fotouhi**

Deputy General Counsel  
Office of General Counsel  
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Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

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**From:** Kupchan, Simma  
**Sent:** Tuesday, September 4, 2018 5:04 PM  
**To:** Fotouhi, David <Fotouhi.David@epa.gov>  
**Cc:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Subject:** FW: **Ex. 5 Deliberative Process (DP)**

Hi David,

I wanted to check in regarding an issue we discussed last Thursday related to Florida assumption of the 404 program

**Ex. 5 AC/DP**

## **Ex. 5 AC/DP**

# Ex. 5 AC/DP

Simma Kupchan  
EPA Office of General Counsel  
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202-564-3105  
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**From:** Mancusi-Ungaro, Philip  
**Sent:** Tuesday, September 04, 2018 1:42 PM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Cc:** Mancusi-Ungaro, Philip <[Mancusi-Ungaro.Philip@epa.gov](mailto:Mancusi-Ungaro.Philip@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; McGill, Thomas <[McGill.Thomas@epa.gov](mailto:McGill.Thomas@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Purify, Johnnie <[Purify.Johnnie@epa.gov](mailto:Purify.Johnnie@epa.gov)>  
**Subject:** **Ex. 5 Deliberative Process (DP)**

Simma, thank you for looking into this to make sure we are all on the same page, which I suspect legally we are.

# Ex. 5 AC/DP

Thanks for your help on this one.

Phil

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Philip G. Mancusi-Ungaro  
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Atlanta, GA 30303  
Tel: 404-562-9519  
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